

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL DOCKET NO: 05-CV-10849 (RGS)

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HELEN RUNGE

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PLAINTIFF

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vs.

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KERRY L. BLOOMINGDALE, M.D.,

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WALTER J. KELLY AND SUNBRIDGE

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NURSING AND REHABILITATION CENTER

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DEFENDANTS

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**MOTION OF THE DEFENDANT KERRY L. BLOOMINGDALE, M.D.**  
**TO DISMISS COUNTS I AND II OF THE COMPLAINT**

Defendant Kerry L. Bloomingdale, M.D. (Dr. Bloomingdale) joins in Defendant Kelly's and Defendant Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation of Randolph's Motions To Dismiss, and he hereby moves to dismiss Counts I and II of the Plaintiff's Complaint.

As reason therefore, Dr. Bloomingdale states that plaintiff has failed to allege the essential elements of a claim under 42 U.S.C. § 1983 and 1985, and Counts I and II should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6). In further support thereof, Dr. Bloomingdale submits his Memorandum In Support, attached and incorporated by reference herein.

WHEREFORE, Defendant Kerry L. Bloomingdale, M.D. requests that this Honorable Court grant his motion to dismiss Counts I and II of the Complaint.

For the Defendant,  
Kerry Bloomingdale, M.D.  
By his attorney,

  
James S. Hamrock, Jr.  
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